

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROBERT L. TATUM,

Plaintiff,

AMENDED
JUDGMENT IN A CIVIL CASE

v.

13-cv-44-wmc

MIKE MEISNER, JIM SCHWOCHERT,
CATHY JESS, JANE NICKELS, RICK
PHILLIPS, MARK TESLIK,
CHAP. CAMPBELL, CHAP. DORN,
KELLI WEST, MALONEY,
PROG. DIRECTOR SCHUELER,
PROG. DIRECTOR IRIZAY,
UNIT MANAGER HAUTAMAKI,
LT. MORRISSON, LT. PEACHIE,
CAPT. PEIRCE, SRGT. PAUL,
SRGT. BERLUND, JEFF CAPELLE,
DR. SULIENE, DAI DIETICIAN,
DR. SCOTT HOFTIEZER, RN KAY DEGNER,
MARY LEISER, JOANNE LANE, JOANNE
BOVEE, RICK SCHNIEIER, CHARLES
FACKTOR, CHARLES COLE and GARY
HAMLIN,

Defendants.

This action came for consideration before the court with District Judge William M. Conley presiding. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that judgment is entered:

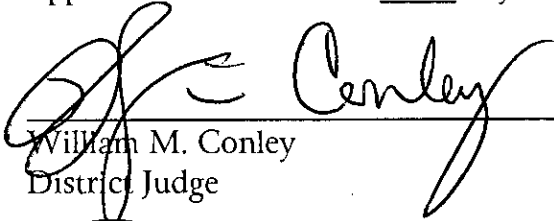
- (1) denying plaintiff Robert L. Tatum leave to proceed and dismissing his claims against Jim Schwochert, Jane Nickels, Rick Phillips, Mark Teslik,

Chap. Campbell, Chap. Dorn, Kelli West, Maloney, Prog Director Schueler, Prog Director Irizay, Unit Manager Hautamaki, Lt Morrison, Lt Peachie, Capt Peirce, Srgt Paul, Srgt, Berglund, RN Kay Degner, Mary Leiser, Joanne, Lane, Joanne Bovee, Rick Schnieter, Charles Facktor and Charles Cole; and

- (2) at summary judgment, in favor of defendants Michael Meisner and Cathy Jess on plaintiffs First Amendment claim; and
- (3) after a trial to the bench, in favor of plaintiff Robert L. Tatum on his claim that defendants Michael Meisner and Cathy Jess violated his rights under RLUIPA by failing to accommodate his request for a Nation of Islam diet.
- (4) The court enters the following permanent injunction:
 - (a) No later than October 17, 2017, defendants shall create and file a 28-day NOI compliant menu consistent with the foods outlined in Trial Exhibits 503a and 503b, but not including peanut butter, pinto beans and skim milk.
 - (b) No later than October 24, 2017, defendants shall begin to provide plaintiff with an NOI-diet consisting of a single meal per day, served in the late afternoon or early evening hours. Defendants may include a liquid dietary supplement, Boost®, as part of the approved diet.
 - (c) This meal may be served in accordance with defendants' good faith application of CCI's internal rules and procedures, including security concerns, if any. If plaintiff is housed in the general population, however, he should generally be provided the opportunity to eat a portion of his daily meal in the dining hall, and the remaining portion of the meal should be delivered to his cell within one hour of that meal.

- (5) plaintiff Tatum's motion for an award of costs (dkt. #158) is granted in part. Plaintiff Tatum is awarded \$495.00 in costs, with \$232.99 to be paid to plaintiff and \$262.01 to be paid to the court to cover the remaining filing fee balance.

Approved as to form this 8th day of January, 2018.



William M. Conley
District Judge



Peter Oppeneer, Clerk of Court

1/8/18

Date